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STATUTORY INSTRUMENTS

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**1991 No. 1042 (C. 27)**

**ENVIRONMENTAL PROTECTION**

The Environmental Protection Act 1990  
(Commencement No. 7) Order 1991

Made - - - - 28th March 1991

The Secretary of State, in exercise of the powers conferred upon him by section 164(3) of the Environmental Protection Act 1990<sup>(1)</sup>, hereby makes the following Order:

**Citation**

1. This Order may be cited as the Environmental Protection Act 1990(Commencement No. 7) Order 1991.

**Provisions coming into force on 1st April 1991**

2.—(1) The following provisions of the Environmental Protection Act 1990 shall come into force on 1st April 1991—

- section 86(3) and (10);
- section 87(7);
- section 89(1)(a) to (f), (2), (3), (5), (6), (10) and (14);
- section 91(1)(a) to (f), (2) to (13);
- section 92(1)(a) to (c), (2) to (10);
- section 93;
- section 94(3) to (9);
- section 95;
- section 96(1);
- section 98(3) and (4);
- section 106(4) and (5);
- section 107(8);
- section 108(1)(b), (3)(b), (5), (7) and (9);
- section 111(1), (2), (4), (5), (7) and (11);

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(1) 1990 c. 43.

section 113;  
section 114(1) to (3);  
section 115(4);  
section 122(1) (in so far as it empowers the Secretary of State to make regulations) and (4);  
section 123(7) and (9);  
sections 124 to 126;  
section 156;  
section 158;  
section 162(1) in so far as it relates to paragraphs 1, 2, 6, 11 to 14, 15(6) to (9), 16(1), (2) (in so far as it inserts a new paragraph(v) in section 31(2)(b) of the Control of Pollution Act 1974(2)) and (3), 20, 22 (in so far as it is not already in force), 23, 28 (except in so far as it relates to the interpretation of section 74(2) of the Water Act 1989(3)), 29 and 30 of Schedule 15;  
section 162(2) in so far as it relates to Part IV of Schedule 16.

(2) The following provisions of the Environmental Protection Act 1990 (which are in force in England and Wales) shall come into force in Scotland on 1st April 1991—

section 86(1), (4), (5) and (13);  
section 87(1), (2), (3)(a) to (e) and (4) to (6);  
section 88(1) to (4), (6), (8), (9)(a), (c) and (d) and (10);  
section 98(1), (5) and (6).

### **Provisions coming into force on 1st June 1991**

**3.** The following provisions of the Environmental Protection Act 1990 shall come into force on 1st June 1991—

section 86(12);  
section 87(3)(f);  
section 89(1)(g);  
section 90(3) to (6);  
section 91(1)(g);  
section 92(1)(d).

28th March 1991

*Michael Heseltine*  
One of Her Majesty's Principal Secretaries of State

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(2) 1974 c. 40.  
(3) 1989 c. 15.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2(1) of the Order brings into force in England, Wales and Scotland on 1st April 1991—

- (a) the provisions of Part IV of the Environmental Protection Act 1990 “the Act”) which impose a duty to keep land and highways clear of litter, enable summary proceedings to be taken if that duty is not complied with, relate to street litter control notices and make supplementary provision;
- (b) the provisions of Part VI of the Act which enable the Secretary of State to make orders and regulations, to prescribe fees and charges, to appoint inspectors, to delegate enforcement functions, require the Secretary of State to appoint an advisory committee and provide for the joint exercise of functions by the Secretary of State and the Minister of Agriculture, Fisheries and Food;
- (c) the provisions of Part IX of the Act which provide a power for the Secretary of State to modify certain provisions of the Act and the Radioactive Substances Act 1960 (c. 34) by regulations in order to give effect to Community and other international obligations, relate to offences under Parts I, II, IV and VI and certain other provisions of the Act and make repeals and minor amendments of certain enactments which are consequential on bringing into force Part I and provisions of Part IV of the Act.

Article 2(2) of the Order brings into force in Scotland on 1st April 1991 the provisions of Part IV of the Act which were brought into force in England and Wales on 13th February 1991 by the Environmental Protection Act 1990 (Commencement No. 5) Order 1991 (S.I. 1990/96).

Article 3 of the Order brings into force in England, Wales and Scotland on 1st June 1991 the provisions of Part IV of the Act which relate to litter control areas.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Environmental Protection Act 1990 have been brought into force by commencement orders made before the date of this Order:

Provisions	Date of commencement	S.I. No.
ss. 128 to 139 (save for the amendments made by ss. 128, 130 and 132)	5.11.1990	1990/2226
s. 89(7) to (9) and (11) to (13)	13.11.1990	1990/2243
s. 105 (partially)	7.12.1990	1990/2565
s. 3	19.12.1990	1990/2635
ss. 1, 2, 4 to 28, 100 to 104, 105 (partially), 159 and 162(2) (partially)	1.1.1991	1991/2635

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provisions	Date of commencement	S.I. No.
ss.86(2), (6) to (8), (11), (14) and (15), 88(5), (7) and (9)(b), 89(4), 90(1), (2) and (7), 94(1) and (2) and 96(2) and (3) and 162(1) (partially)	14.1.1991	<a href="#">1991/96</a>
s.86(1), (4), (5), (9) and (13) s.87(1), (2), (3)(a) to (e) and (4) to (6), s.88(1) to (4), (6), (8), (9)(a) and (c) to (e) and (10), s.98(1), (2), (5) and (6)	13.2.1991	<a href="#">1991/96</a>
the amendments made by ss.128, 130 and 132 s.162(2) (partially)	1.4.1991	<a href="#">1991/685</a>